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Express Mail Number: EV138522684US  
Date of Deposit: August 7, 2003

Attorney Docket No. 21486-047

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Jack R. Wands et al.

SERIAL NUMBER: 09/872,968

EXAMINER: Crouch, Deborah.

FILING DATE: June 1, 2001

ART UNIT: 1632

FOR: INHIBITION OF NEURODEGENERATION

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TECH CENTER 1600/2900

August 7, 2003  
Boston, Massachusetts

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified application:

- ☒ Response to Notice of Non-Compliant Amendment (1 pg.);
- ☒ Copy of Notice of Non-Compliant Amendment Under (1 pg.);
- ☒ Amendment and Response (15 pgs);
- ☒ Return Postcard.

The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21486-047). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

  
Ingrid A. Beattie, Reg. No. 42,306  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
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CUSTOMER NUMBER: 30623

Express Mail Label No.: EV138522684US

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In response to the Notice of Non-Compliant Amendment, mailed July 9, 2003, Applicants submit a paper copy of the Amendment and Response timely filed on May 19, 2003, incorporating a status identifier for each of the claims.

A response to the Notice is due on or before August 9, 2003. Applicants believe that no additional fees are due in this filing, however, the Commissioner is authorized to charge any additional fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 21486-047.

Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ingrid A. Beattie, Reg. No. 42,306  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

F

Paper No.

## Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6,27,03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☐ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.

☒ 5. Other: Claim 22 failed to submit identifier

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LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[ Signed by Team Leader ]

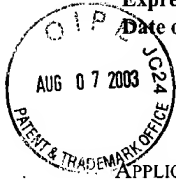
Team Leader

<sup>1</sup> For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtpac.pdf>

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**AMENDMENT AND RESPONSE**

In response to the Office Action mailed on November 18, 2002, Applicants filed an Amendment and Response on May 19, 2003. On July 9, 2003, Applicants received a Notice of Non-Compliant Amendment ("Notice"). In response, to this Notice, Applicants submit a paper copy of the Amendment and Response timely filed on May 19, 2003, incorporation a status identifier for each of the claims.

APPLICANTS: Jack R. Wands, et al.  
SERIAL NUMBER: 09/872,968

In the claims:

Cancel claims 22 and 26. Amend claims 12, 16-19, and 50-52. Add new claims 53-54.